

ACTION

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OFFICE OF CONGRESSIONAL AFFAIRS**Routing Slip**

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		STAT
8. Executive Officer		STAT
9. FOIA Officer		STAT
10. Constituent Inquiries Officer		
11.		X
12.		

SUSPENSE

3 June 87

Date

Action Officer:

Remarks: Rptd no objections via telex to OMB on 6-3-87.

cmc 2 June 87

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
June 1, 1987

U/CONGRESSIONAL AFFAIRS

87-2350

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -
 National Security Council
 ~~Central Intelligence Agency~~
 Department of Defense (Brick 697-1305) 06
 Department of the Treasury (Carro 566-8523) 28
 Department of State (Howdershell 647-4463) 25

SUBJECT: Department of Justice draft report on H.R. 1013, on congressional oversight of intelligence activities.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than 12:00 NOON, WEDNESDAY, JUNE 3, 1987.

Questions should be referred to Annette Rooney/Sue Thau (395-7300), the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON for
Assistant Director for
Legislative Reference

Enclosures

cc: A. B. Culvahouse, Jr.
J. Cooney
A. Donahue
J. Eisenhour

SPECIAL



U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

**Representative Matthew F. McHugh
Chairman, Subcommittee on Legislation of the
House Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515**

Dear Mr. Chairman:

This letter presents the views of the Department of Justice on H.R. 1013, a bill relating to the system of congressional oversight of intelligence activities. The Department of Justice opposes enactment of this legislation because we believe it would unconstitutionally intrude on the President's authority to conduct the foreign relations of the United States. If H.R. 1013 were to pass both Houses of Congress, the Department of Justice would recommend to the President that he disapprove the bill.

H.R. 1013 would make substantial revisions of both the congressional reporting requirements of the National Security Act and the Hughes-Ryan Amendment. Besides appearing to broaden the congressional notification requirements, section 3 of H.R. 1013 would delete from section 501(a) of the National Security Act the present express acknowledgment that the Act imposes reporting requirements on the President only insofar as the requirements are consistent with his authorities and duties under the United States Constitution.¹ It would also delete the Act's provision

¹ Section 501(a) presently provides (emphasis added):

To the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States involved in intelligence activities shall --

(1) keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives